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617-428-7046**Date:** July 27, 2005**To:** United States Patent and Trademark Office
ATTN: Examiner Sumesh Kaushal
Art Unit 1636**Facsimile No:** 1-571-273-8300**From:** Kristina Eicker-Brady, Ph.D.
Reg. No. 39,109**Re:** U.S. Patent Application No.: 10/600,272
MAMMALIAN IAP GENE FAMILY, PRIMERS, PROBES, AND
DETECTION METHODS
Customer No.: 21559
Attorney Docket No.: 07891/003006**Pages:** 4 (including cover sheet)**Message:** Please charge the required fee of \$65.00 under 37 CFR 1.20(d) to our
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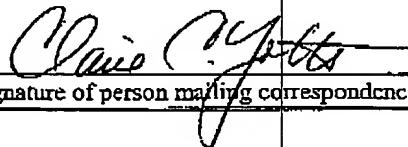
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I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being transmitted to Examiner Sumesh Kaushal at 571-273-8300 on the date indicated above.	
<u>Clair C. Yolts</u> Printed name of person mailing correspondence	 Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert G. Korneluk et al. Art Unit: 1636
Serial No.: 10/600,272 Examiner: Kaushal, Sumesh
Filed: June 20, 2003 Customer No.: 21559
Title: MAMMALIAN IAP GENE FAMILY, PRIMERS, PROBES AND
DETECTION METHODS

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 1.321 and 3.73(b)

Pursuant to 37 C.F.R. § 1.321(b), Aegera Therapeutics Inc., the assignee of the entire right, title, and interest in the above-captioned application, seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(2), Aegera Therapeutics Inc. hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the application subsequent to the expiration date of U.S. Patent No. 6,656,704. Aegera Therapeutics Inc. does not disclaim any terminal part of any patent granted on the

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application prior to the expiration date of the full statutory term of U.S. Patent No. 6,656,704 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

The undersigned (whose title is supplied below) is empowered to act on behalf of Aegera Therapeutics Inc. in making this terminal disclaimer. The undersigned further certifies that Aegera Therapeutics Inc. is the assignee of the entire right, title, and interest in the above-identified application by virtue of an assignment from the inventors of the parent patent application, U.S. Serial No. 09/011,356, now U.S. Patent No. 6,656,704, which was filed on September 14, 1998. Assignments in connection with this application were recorded in the Patent and Trademark Office at Reel/Frame 009494/0236 on September 14, 1998, at Reel/Frame 009567/0693 on November 6, 1998, and at Reel/Frame 011874/0199 on June 8, 2001.

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is filed to obviate a double patenting rejection in the above-referenced patent application. Any patent granted on the above-referenced application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the

rejection.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: July 20 2005

By: Philip Swain

Printed Name: Philip Swain

Title: DIRECTOR, INTELLECTUAL PROPERTY
For: Aegera Therapeutic Inc.